

CCRB INVESTIGATIVE RECOMMENDATION

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|--|--|-------------------------------|---|---|---------------------------------|
| Investigator: Lauren Kerstein | Team: Team # 2 | CCRB Case #: 201408615 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) NA, 08/___/2013 | Location of Incident: 160th Street and Liberty Avenue | Precinct: 103 | 18 Mo. SOL 2/1/2015 | EO SOL 2/1/2015 | |
| Date/Time CV Reported Fri, 01/17/2014 1:45 PM | CV Reported At: CCRB | How CV Reported: In-person | Date/Time Received at CCRB Fri, 01/17/2014 1:45 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. POM Michael Butler | 02535 | 948725 | 103 PCT |
| 2. An officer | | | 103 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|---|-----------------------------|
| A.POM Michael Butler | Abuse: PO Michael Butler stopped the car in which § 87(2)(b) was an occupant. | |
| B. An officer | Abuse: An officer stopped the car in which § 87(2)(b) was an occupant. | |
| C.POM Michael Butler | Discourtesy: PO Michael Butler spoke discourteously to § 87(2)(b) | |
| D. An officer | Discourtesy: An officer spoke discourteously to § 87(2)(b) | |
| E. An officer | Discourtesy: An officer acted discourteously toward § 87(2)(b) | |

Case Summary

§ 87(2)(b) filed this complaint in-person with the CCRB on January 17, 2014 (encl. B1-B2). On an unknown date in August 2013, at approximately 3 p.m. in the vicinity of 160th Street and Liberty Avenue in Queens, § 87(2)(b) vehicle was stopped by officers. The following allegations resulted:

- **Allegation A: Abuse of Authority –PO Michael Butler stopped the car in which § 87(2)(b) was an occupant.**
- **Allegation C: Discourtesy –PO Michael Butler spoke discourteously to § 87(2)(b)**

§ 87(2)(g)

- **Allegation B: Abuse of Authority – An officer stopped the car in which § 87(2)(b) was an occupant.**

- **Allegation D: Discourtesy – An officer spoke discourteously to § 87(2)(b)**

- **Allegation E: Discourtesy – An officer acted discourteously toward § 87(2)(b)**

§ 87(2)(g)

§ 87(2)(b) rejected mediation. This case was split from CCRB# § 87(2)(b) on August 21, 2014.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Statement

§ 87(2)(b) provided an in-person statement to the CCRB on January 17, 2014 (encl. C1-C7).

On an unknown Friday in August 2013, at approximately 3 p.m., § 87(2)(b) was driving his wife's gray Honda Accord, license plate § 87(2)(b) on 160th Street by York College in Queens. § 87(2)(b) made a right onto Liberty Road when he heard a police siren and saw a black unmarked Impala behind him. § 87(2)(b) pulled over.

PO Michael Butler, identified and described by § 87(2)(b) as a uniformed 6'5" tall, muscular white man with very short dirty blonde hair in his 20s to 30s, along with an unidentified officer, described as a heavy set, 40-year-old white woman, with black curly hair who may have been a sergeant, exited and approached § 87(2)(b) vehicle.

The female officer told § 87(2)(b) that he had not signaled when he made the right turn and asked him to step out of his vehicle. § 87(2)(b) asked why, and PO Butler also instructed him to exit his vehicle.

§ 87(2)(b) did not have his license on him, but provided his registration and insurance to PO Butler unprompted. § 87(2)(b) registration did not have his name on it, but the insurance did. PO Butler said that he could arrest him just for not having his license on him. § 87(2)(b)

told PO Butler to do what he had to do and PO Butler told § 87(2)(b) to “shut the fuck up.” Both officers went back to their vehicle.

A few minutes later, the female officer approached § 87(2)(b) reached into his car and took his keys from him. § 87(2)(b) protested and the officer told him to “shut the fuck up.” PO Butler approached his car and both officers told him that they would give him a break this time because they did not have time to write him a ticket. The female officer then threw § 87(2)(b) Bank’s keys inside the driver’s side window. The keys hit his lap and then fell on the floor and the officers drove away.

In a phone conversation with § 87(2)(b) on September 5, 2014, he alleged that PO Butler and the female officer searched him and his vehicle.

NYPD Statements:

Subject Officer: PO MICHAEL BUTLER

- *PO Butler is a § 87(2)(b)-old white man. He is 6’2” tall, 140 pounds with brown hair and hazel eyes.*

Memo Book

The investigation obtained PO Butler’s memo book from August 16, 2013 through August 19, 2013 and from August 28, 2013 through August 29, 2013. None of PO Butler’s memo book entries for those dates correspond to this incident (encl. D1-D5).

CCRB Statement

PO Butler provided a statement to the CCRB on August 5, 2014 (encl. D7-D8).

PO Butler has had prior interactions with § 87(2)(b) but did not recall ever stopping § 87(2)(b) vehicle. PO Butler did not recognize the description of the female police officer or sergeant that § 87(2)(b) provided to the CCRB. PO Butler was provided details of the incident which did not aid in his recollection.

NYPD Documents

MISD Inquiry

On August 13, 2013, PO Sean Hurley from the 109th Precinct conducted a license plate search for § 87(2)(b). On August 27, 2013, PO Robert Giglio from Patrol Borough Queens South conducted a search for § 87(2)(b) by his license plate number. No other searches were conducted on § 87(2)(b) from July 2013 to February 2014 (encl. I1-I3).

New York State Troopers Database Search

Searches were conducted on the following dates: August 7, 2013, August 13, 2013, August 19, 2013, and September 21, 2013 (encl. I5-I6).

Omniform System Search

On August 13, 2013, § 87(2)(b) was arrested by PO Joseph Weldon of the Queens Gang Squad (encl. O1).

103rd Precinct Roll Call

On August 16, 2013, PO Butler was assigned to Anti-Crime with PO Daniel Haggerty, PO Jacob Giannelli and PO Eric Ortega. August 23, 2013, PO Butler was assigned to Anti-Crime with PO Giannelli. On August 27, 2013, PO Butler was assigned to Anti-Crime with PO Haggerty and PO Giannelli. On August 27, 2013, the only female sergeants in the 103rd command were Sgt. Nikki Prasad and Sgt. Rondo (encl. L36-M8).

PO Haggerty's Memo Book

On August 27, 2013, PO Haggerty was assigned to Anti-Crime with PO Butler, PO Giannelli and Sgt. John Gumpel (encl. G1-G2).

Sgt. Anastasia Rondo's Memo Book

On August 27, 2013, Sgt. Rondo was performing administrative duties for the entirety of her tour (encl. E1-E2).

Sgt. Nikki Prasad's Memo Book

On August 27, 2013, Sgt. Prasad was off duty (encl. F1-F3).

Stop, Question and Frisk Log

The investigation obtained the Stop, Question and Frisk log from July 16, 2013 through September 15, 2013. There is no record of § 87(2)(b) being stopped (encl. J1-K5).

Civilian Criminal History

- As of September 8, 2014, Office of Court Administration records reveal the following criminal convictions for § 87(2)(b) in the past ten years (encl. N1-N2):

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian CCRB History

- § 87(2)(b) has filed the following CCRB complaints (encl. A3):

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

Subject Officers CCRB History

- PO Butler has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. A1-A2).

Conclusion**Allegations Not Pleaded**

A year after the incident, § 87(2)(b) added that during the incident PO Butler and the female officer searched him and his vehicle for drugs. Given that § 87(2)(b) did not mention these allegations during his in-person statement or the numerous calls between the time of his official statement and when he made the search allegations, these allegations have not been pleaded.

Identification of Subject Officers

- § 87(2)(b) named PO Butler by name and accurately described him. Therefore the discourtesy and abuse of authority allegations have been pled to PO Butler accordingly.
- § 87(2)(b) was unable to recall the exact date but initially stated that it most likely occurred on a Friday towards the end of August at approximately 3 p.m. During a phone conversation on September 5, 2014, § 87(2)(b) stated that the incident may have actually occurred towards the end of July or early August at approximately 3 p.m. An MISD inquiry was conducted with two positive results for August 13, 2013, and August 27, 2013. On August 13, 2013, § 87(2)(b) was arrested by PO Weldon. On August 27, 2013, PO Butler was assigned to Anti-crime with PO Haggerty, PO Giannelli and Sgt. Gumpel. In addition on August 27, 2013, the two female sergeants in the 103rd Precinct, Sgt. Prasad, had a scheduled day off, and Sgt. Rondo was performing administrative tasks

in the precinct. Therefore these two dates were ruled out as potential incident dates. A NYS Troopers search was conducted which yielded three additional dates, August 7, 2013, August 19, 2013, and September 21, 2013. On August 19, 2013, PO Butler has a scheduled day off. August 7, 2013, is a Wednesday and the search was made at 9:50 a.m., and September 21, 2013, is more than a month later than § 87(2)(b) alleged the incident occurred. § 87(2)(g)

§ 87(2)(b) In addition, during his CCRB interview PO Butler did not recall the incident and did not recognize the physical description of the female officer § 87(2)(b) provided to the investigation. Since the investigation was unable to determine the identity of the female officer, these allegations have been pled against “an officer.”

Investigative Findings and Recommendations

Allegation A: Abuse of Authority –PO Michael Butler stopped the car in which § 87(2)(b) was an occupant.

Allegation C: Discourtesy –PO Michael Butler spoke discourteously to § 87(2)(b)

On an unknown incident date in August 2013, § 87(2)(b) alleged that PO Butler stopped his vehicle, threatened to arrest him and spoke discourteously towards him.

PO Butler acknowledged having previously interacted with § 87(2)(b) but denied ever performing a vehicle stop involving § 87(2)(b) and did not recall the details of this incident.

§ 87(2)(g)

Allegation B: Abuse of Authority – An officer stopped the car in which § 87(2)(b) was an occupant.

Allegation D: Discourtesy – An officer spoke discourteously to § 87(2)(b)

Allegation E: Discourtesy – An officer acted discourteously toward § 87(2)(b)

On an unknown date, § 87(2)(b) stated that PO Butler and an unidentified female officer stopped his vehicle. § 87(2)(b) alleged that the female officer told him to shut the “fuck” up, and threw his keys at him.

§ 87(2)(g)

Team: ____2____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
 Title/Signature Print Date